

City of Lafayette
Public Meeting Agenda
Lafayette City Council
Open Space Committee

Monday, September 14, 2009 5:00 PM
Lafayette Community Center – **Manzanita Room**
500 St. Mary's Road, Lafayette, California

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) PLEDGE OF ALLEGIANCE
- 4) ADOPTION OF AGENDA
- 5) PUBLIC COMMENTS
- 6) PRESENTATIONS
Open Space Committee Workshop
Presentations by State Coastal Conservancy, East Bay Regional Park District, and Muir Heritage Land Trust
- 7) ADJOURNMENT

I, Joanne Robbins, declare under penalty of perjury that this agenda has been posted at least 72 hours in advance at the Lafayette City Offices, 3675 Mt. Diablo Blvd., Suite 210, Lafayette, CA.

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City of Lafayette
Public Meeting Agenda
Lafayette City Council
Redevelopment Agency

Monday, September 14, 2009 6:30 PM
Lafayette Community Center – Sequoia Room
500 St. Mary's Road, Lafayette, California

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) ADOPTION OF AGENDA
- 4) PUBLIC COMMENTS
- 5) CLOSED SESSION

A. Conference with Real Property Negotiators (Gov. Code § 54956.8)

Property: 950 Moraga Road, Lafayette, APN 234-010-011-0

Agency Negotiator: Steven Falk, City Manager

Negotiating Parties: David Twa, County Administrator

Under Negotiation: Price and Terms of Payment

B. Conference with Legal Counsel - Existing Litigation (Gov. Code § 54956.9(a))

R & R Maher Construction Company, Inc. v. HSR General Engineering Contractors, Inc.,
et al. Contra Costa Superior Court Case No. C 09-02256

6) ADJOURNMENT

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City of Lafayette
Public Meeting Agenda
Lafayette City Council
Planning Commission
Design Review Commission
Redevelopment Agency

Monday, September 14, 2009 7:00 PM
Lafayette Community Center – **Manzanita Room**
500 St. Mary's Road, Lafayette, California

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- 1) CALL TO ORDER
 - 2) ROLL CALL
 - 3) PLEDGE OF ALLEGIANCE
 - 4) ADOPTION OF AGENDA
 - 5) REPORT FROM CLOSED SESSION
 - 6) PUBLIC COMMENTS
 - 7) PRESENTATIONS

Convene Joint Session Design Review and Planning Commission

- 8) OLD BUSINESS
 - A. **Lafayette Town Center Phase III: Study session of an 82-unit residential condominium project submitted by Lafayette Residential Partners and KB Homes, Inc. on a 1.47 acre vacant parcel located behind 3590-3608 Mt. Diablo Blvd., APN 243-040-035**
Recommendation: Provide direction to the applicant. *No formal action will be taken by the City Council or Commissions.*

Adjourn Joint Session

- B. **Michael Cass, Assistant Planner**
Lafayette Chamber of Commerce (applicant), City-Wide Application: Request to Amend the 2009 Lafayette Stimulus Package Relating to Existing Small Businesses, Hours of Operation, and Parking Requirements
Recommendation: Discuss and direct staff.
- 9) STAFF REPORTS
- 10) PUBLIC HEARING
 - A. **Christine Sinnette, Senior Planner**
Consideration of proposed amendments to the Lafayette Municipal Code consisting of (1) Ordinance 586 amending Chapter 6-23, Outdoor Storage and Repairs, (2) Ordinance 589 amending Chapter 1-3, Penalty Provisions, (3) Ordinance 590 amending Chapter 1-9, Administrative Citations, and (4) Ordinance 591 amending Chapter 8-21, Code Enforcement
Recommendation: Conduct first reading and public hearing and continue to September 28, 2009 for second reading and adoption.

- 11) CONSENT CALENDAR
 - A. **City Council Minutes**

1. **August 10, 2009**
Recommendation: Approve.
 2. **September 1, 2009**
Recommendation: Approve.
- B. **E-mail from Gabriel Froymovich resigning from the Crime Prevention Commission**
Recommendation: Accept resignation and schedule recognition.
- C. **Happy Valley Road Pedestrian Path Reconstruction Project Phase II, Project Number 014-9667, Final Acceptance of Construction Contract**
Recommendation: Accept the construction contract with Ameca General Engineering as complete and authorize staff to file a Notice of Completion for the Happy Valley Road Pedestrian Path – Phase II, Project Number 014-9667.
- D. **Resolution 2009-49 Establishing Rate of Tax Levy to Provide Payment of Interest and Principal on Series 2002 General Obligation Bonds Series and Series 2004 General Obligation Bonds During FY 2009-2010**
Recommendation: Adopt Resolution 2009-49.
- E. **Stanley Boulevard/Springbrook Road Sidewalk Project Number 014-9672, Final Acceptance of Construction Contract**
Recommendation: Accept construction contract with North Bay Construction as complete and authorize staff to file a Notice of Completion for the Stanley Boulevard/Springbrook Road Sidewalk Project Number 014-9672.
- F. **Letter dated August 24, 2009 from Dr. Susan Hahn resigning from the Senior Services Commission, Senior Housing Task Force and as Lafayette's representative on the Contra Costa County Advisory Council on Aging.**
Recommendation: Accept with regret and schedule recognition.
- G. **Parks, Trails & Recreation Commission Supports 50/50 Split of Measure WW Funds with the Open Space Committee**
Recommendation: Receive and file.
- H. **Award of Contract; PWS 09-05; Fence Extension, Public Works Services Facility, 3001 Camino Diablo**
Recommendation: Award the Contract for PWS 09-05 to Pacific General Engineering.
- I. **Letter to the California Supreme Court regarding the ability of cities to seek judicial review of regional council of government decisions in support of the City of Irvine's Petition for Review of the opinion issued by the Fourth District Court of Appeal, Division Three, in City of Irvine v. Southern California Association of Governments Supreme Court Case No. S175329**
Recommendation: Authorize Mayor to execute the letter.
- J. **Mount Diablo Multi-Purpose Pathway, Project No. 014-9676 Accept Project as Complete**
Recommendation: Allocate \$17,200 from Fund 014 Walkways Fee balance. Accept all work performed by HSR, Inc. for the Mount Diablo Multi-Purpose Pathway, Project No. 014-9676 as complete and authorize the final payment to be made including release of retention, pending approval of the City Attorney, in accordance with the City Attorney's recommendations concerning the Stop Notice claims.

K. 16 Hidden Valley Road – Request for Retaining Wall Encroachment into the City Right-of-Way

Recommendation: Approve encroachment into the City Right-of-Way along the property at 16 Hidden Valley Road and authorize the City Manager to execute an encroachment agreement with applicant.

L. 3166 Stanley Boulevard – Request for an encroachment permit to replace failing wood retaining wall within the public right-of-way with a stone retaining wall

Recommendation: Approve encroachment into the City Right-of-Way along the property at 3166 Stanley Boulevard and authorize the City Manager to execute an encroachment agreement with the applicant.

M. Update on the Multi-Jurisdictional Local Mitigation Hazard Plan

Recommendation: Receive report and continue to September 28, 2009.

Convene Redevelopment Agency

N. Update on Library Public Art Program

Recommendation: Receive and file.

Adjourn Redevelopment Agency

12) COUNCIL/COMMISSION REPORTS

A. Councilmember report on activities and consideration of matters a councilmember wishes to initiate for placement on a future agenda.

B. Councilmember Federighi

2009 Annual Conference Resolutions for Consideration at the League's Annual Business Meeting - Resolution Relating to Social Host Liability and Resolution Urging City Governments and Others to Divest from Banks That Fail to Cooperate With Foreclosure Prevention Efforts

Recommendation: Discuss and direct Lafayette's voting delegate Councilmember Federighi.

C. Art & Wine Booth Sign-Ups

Recommendation: Discuss.

D. Emergency Preparedness Commission requests council adopt a proclamation recognizing September as National Preparedness Month.

Recommendation: Discuss and direct.

E. Senior Services Commission recommends council adopt a proclamation recognizing September 21-27 as "Fall Prevention Awareness Week".

Recommendation: Discuss and direct.

13) WRITTEN COMMUNICATIONS

A. Letter dated August 23, 2009 from Garrie E. Scott, Regent with the Mt. Diablo Chapter of the Daughters of the American Revolution, requesting a proclamation recognizing September 17 to September 23 as a week to commemorate our Constitution.

Recommendation: Discuss and direct staff.

B. E-mail received August 27, 2009 from Lori McDonald, Contra Costa County CAER Group, Inc., requesting a proclamation recognizing November 4, 2009 as Shelter in Place

Education Day.

Recommendation: Discuss and direct staff.

- C. **E-mail from John Coleman, EBMUD Board of Directors, Ward 2 requesting council send a letter to EBMUD asking the Board to consider all options, and to not limit future choices to meet the demand for water in the years to come.**

Recommendation: Discuss and direct staff.

14) ADJOURNMENT in memory of Brad Kisner.

I, Joanne Robbins, declare under penalty of perjury that this agenda has been posted at least 72 hours in advance at the Lafayette City Offices, 3675 Mt. Diablo Blvd., Suite 210, Lafayette, CA.

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City of Lafayette

General Information for Public Meetings

Location of Agendas and Agenda Packets: Agenda and packets are available for review by the public during regular work hours at the Lafayette City Offices, 3675 Mt. Diablo Blvd., Suite 210. Agendas and packets shall be made available at least 72 hours in advance of each meeting. Agendas and staff reports are also available on the city website www.ci.lafayette.ca.us.

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132). Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Joanne Robbins, City Clerk at (925) 299-3210 at least 48 hours before the meeting, if possible.

Board Discussion: In accordance with State Law, the Board is generally prohibited from discussing and making decisions regarding items not posted on the agenda. Exceptions include items of urgency that become known to the Board after the posting of the agenda; discussion of such items requires a 4/5ths affirmative vote by the Board.

Persons Wishing to Speak: Any person may address the Board on any item listed on this agenda. Persons wishing to address the Board should complete a speaker slip and submit it to the City staff. In addressing the Board, speakers should step to the podium and state their names and addresses for the record.

Public Comments on Agenda Items: Persons wishing to speak on items listed on the agenda will be heard when called by the meeting chair. After the public has commented, the item will be closed to public comment and brought to the Board for discussion and action. There is no further comment permitted from the audience unless invited by the meeting chair.

Public Comments on Non-Agenda Items: Persons wishing to speak on matters not posted on this agenda are encouraged to submit the matter in writing to the City Clerk or staff aide at least ten days prior to the next regularly scheduled Board meeting date. Persons unable to do this may address the Board under the PUBLIC COMMENTS section of this agenda. Note, however, that such matters may be referred to staff for action or posted on a future agenda.

Time Limit on Comments: Persons will be permitted to speak for up to three minutes.

Posted Times: Posted times are estimated and actual times will vary. Public hearings may start later but never earlier than the posted time.

Reconsideration of Items: After the Board has acted on an agenda item, it may reconsider the same item later in the meeting in accordance with Council Rules of Proceedings II.D.4 in Resolution 2007-049.

Consent Calendar: All matters listed under consent calendar are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Board or a member of the public prior to the time that the Board votes on the motion to adopt.

Notice Requirements: Lafayette Municipal Code Section 6-211 requires that the City provide public notice of the first public hearing for any meeting that requires public notice. If there are additional meetings, they are **not re-noticed**. Be advised that it is the responsibility of any interested party to follow the continuance date or dates, as well as to be apprised of whether project revisions have been submitted.

¹ "Board" is used here as a generic term for the City Council, commissions, committees, task forces, and other public decision-making boards.